IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19290 of 2004

Between:

1 The Management

M/S Andhra Pradesh Industries,

B/44, Industrial Estate,

rep.,by its Proprietor, Mr.Rajesh C.Jain,

Sanathnagar,

Hyderabad.

2 The Management,

M/S Metalika Industries, B, 18, Industrial Estate,

rep., by Rajesh C. Jain,

Sanathnagar,

Hyderabad.

..... PETITIONERS

AND

1 Lal Ahmed,

S/o Sri Ibrahim,

H.No.1-6-174/24,

Zamistanpur,

Musheerabad,

Hyderabad-20.

2 The Assistant Commissioner of Labour and Controlling Autority

under the Payment of Gratuity Act,

T.Anjaiah Karimika Bhavan,
RTC X Road,

Hyderabad.
3 The Commissioner of Labour,

T.Anjaiah Karmika Bhavan,
RTC X Road,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or orders, more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent hearing the illegal, matter in PG 2/2004 and issued notice Dt.07/09/2004 by the 2nd respondent authority is illegal, arbitrary, unconstitutional and against the principles of natural justice and consequentially direct the 2nd respondent authority is illegal, arbitrary, unconstitutional and against the principles of natural justice and consequently direct the 2nd respondent to set aside the notice in PG 2/2004 DT. 07/09/2004 issued by the 2nd respondent.

Counsel for the Petitioners: Mr. KARRI SURYANARAYANA
Counsel for the Respondents: GP FOR LABOUR

The Court at the stage of admission made the following:

The enquiry before the 2nd respondent is pending on the application made by the 1st respondent for payment of gratuity. The petitioner filed a counter in the said matter, denying the employment of the 1st respondent with it. While the matter is pending before the 2nd respondent, a notice was issued by the 2nd respondent to the petitioner to make his appearance on 17-9-2004. The said date is over. The petitioner questions the said notice through this Writ Petition.

During the pendency of the proceedings before the 2nd respondent, the Writ Petition cannot be maintained. If the petitioner is aggrieved by the final order that is going to passed by the 2nd respondent, he is at liberty to approach the appropriate forum for necessary redressal.

The Writ Petition is accordingly dismissed.

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(Dr.G.YETHIRAJULU,J)

14th October, 2004.

Tsy/cs

To

1. The Assistant Commissioner of Labour and Controlling Autority,

under the Payment of Gratuity Act,

T.Anjaiah Karimika Bhavan,
RTC X Road,

Hyderabad.

2. The Commissioner of Labour,

T.Anjaiah Karmika Bhavan,
RTC X Road,

Hyderabad.

3. Two CCs to the GP for Labour, High Court of A.P.,

Hyderabad (O.U.T).

4. Two CD Copies.